MONTANA LEGISLATIVE HISTORY

Chapter 425 19 23

Bill H 456 S _____ Original bill & history ____C

H. Committee on Public Health Welfare & Safety		S. Committee on Public Health Welfare & Safety	
Hearing Date(s) Feb 13	✓ C	Hearing Date(s) March	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 13	✓ C		

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the Public Health, Welfare and Safety Committee was held on Tuesday, February 13, 1973 at 10:30 a.m. in room 428A with Chairman Bob Lee presiding. All members were present except Representative Zimmer, who was excused.

HOUSE BILL # 456 -- SPONSOR: Rep. Lee turned the chair over to Vice Chairman Norman and then spoke in behalf of the bill. It is establishing the National Electrical Code as a minimum approved safety standard to provide procedures for establishing safety standards more stringent than the National Electrical Code. John Hale, Electrical Inspector -- would like to make the law a little stronger, and this bill would accomplish that. No opponents. Questions followed.

HOUSE BILL # 511 -- SPONSOR: Rep. Lee said that this bill would grant the Electrical Inspector the authority during reasonable hours and after producing proper identification to enter any building or premises in the discharge of his duties of inspection. Russell Williams spoke in support of the bill. Questions followed.

HOUSE BILL # 421 -- SPONSOR: Rep. Tierney spoke in behalf of the bill, and offered some amendments. The purpose of the bill is to increase State Board of Pharmacy from three members to five members and to change the terms from three years to five years, and one of the five members must be employed by a hospital. By changing the term of employment there would be more stability on the board and the hospital has a right to have a member on the Board. Chad Smith, on behalf of the Montana Hospital Assoc., -- it will give hospital pharmacists a position on the Board. The Board is in favor of the bill, too. They offered the suggestio that the language by clear that the five members have staggered terms. William Fitzgerald, Montana State Pharmaceutical Assoc.,-- were both in favor of the bill. No opponents. Questions followed.

HOUSE BILL # 521 -- SPONSOR: Rep. Norman explained that the bill directs itself to identifying medical devices. People who from time to time may have loss of communication or consciousness are now beginning to wear these devices to identify their medical problems. If the person in question has such a device on him the law officer can examine him without first getting his consent, in order to find the device, if he does so in a reasonable and pruden manner. This is all the bill covers. No opponents. Questions followed.

HOUSE BILL # 464 -- SPONSOR: Rep. Kessner said that it is a liability insurance bill, not a medical bill. It would relieve liability in the area of emergency treatment under proper supervis Jerry Loendorf, -- it provides for mobile intensive care paramedic

areas in the bill. Joyce Bratten, Nurse -- statement attached. Are we talking about intensive care of emergency care? Questions followed. Rep. Olson moved that the bill be HELD OVER until the 1974 session. Rep. McKittrick made a substitute motion that it DO NOT PASS. Discusssion followed. Rep. Hall made a substitute motion to the preceeding motions that the questioning be finished before any motions were acted on. Questions continued.

The following action was taken:

HB # 202-- Amendments from Rep. Towe were presented by the Chairman. Rep Marbut moved that it be so amended; Rep. Fagg offered another amendment on page 5, line 2 after the word "furnished" to insert the word "only". Rep. Marbut's motion carried unanimously. Fagg's motion also carried unanimously. Rep. Hall moved another amendment to insert "properly" on line 6, page 5. Discussion followed. Motion carried unanimously. Rep. Driscoll moved to delete section 7 and insert on page 5, line 5 the words "or pharmacist", and to amend the title to conform. The motion was divided into two parts; Part 1 -- (strike Section 7) Motion carried with Marbut opposed. Rep. Hall then moved that consideration of the bill be passed for the meeting, carrying the amendments with it. Unanimous consent of the committee.

HB # 207 -- Rep. Hall moved to amend it and AS SO AMENDED DO PASS. Motion carried unanimously.

HB # 421 -- Rep. Marbut moved DO NOT PASS. Rep. Turner moved as a substitute motion that it be HELD OVER. Substitute motion carried. Those in favor of the substitute motion: Representative's Marbut, Hall, Driscoll, Lee, Bennetts, Jones, Holmes, Olson, Asbjornson, Turner, Brown.

HB # 427 -- Rep. Hall moved DO PASS. Discussion followed; motion carried unanimously.

HB # 456 -- Rep. Driscoll moved that it DO PASS. Motion carried unanimously; McKittrick abstained.

HB # 511 -- Rep. Jones moved DO NOT PASS. Motion carried unanimous

HB # 464 -- Rep. McKittrick moved DO NOT PASS. Discussion followed. Motion carried; those opposed: Representatives Brown, Holmes, and Marbut.

Meeting was adjourned.

/s/ Bob Lee

Chairman

Debbie Lowe

WITNESS STATEMENT

me John V. Hale Date 2/13/73

dress 1808-5th Helena Support ? X

presenting Electrical Bd. Oppose ? _____

ich Bill ? HB 456 & HB 511 Amend ? _____

mments:

WITNESS STATEMENT

e John Summers Date 2-13-73

ress 2630 Ft. Ave, Butte Support ? X

resenting IBEW Oppose ? _____

ch Bill ? 456 Amend ? _____

ments:

WITNESS STATEMENT

Russell Williams Date 2-13-73

s 3071 Harvard Support ? X

enting IBEW Oppose ? _____

Bill ? 456 and 311 Amend ? _____

its:

WITNESS STATEMENT

John W. Buckley Date Feb 13 1977

ss Box 117 Support ? X

senting Local Union 185 IBEW Oppose ? _____

Bill ? 511 & 456 Amend ? _____

ents:

WITNESS STATEMENT

Name W. LEROY Hargrove Date 2/1/11

Address 117-308 Helena mt Support ? Yes

Representing Local 185 Int'l Bro of Elec Workers Oppose ? _____

Which Bill ? _____ Amend ? _____

Comments:

HB 156 would allow state to establish safety rules, more stringent than Federal which can be minimum.

HB 511 would allow inspectors a reasonable chance to perform their duties

SENATE COMMITTEE OF PUBLIC HEALTH, WELFARE & SAFETY

Minutes March 7, 1973

Chairman Flynn called the Public Health, Welfare and Safety Committee meeting to order on Wednesday, March 7, 1973, at 10:00 a.m., in Room 415 of the State Capitol Building. Roll call was taken, quorum present

(See Page 2)

Chairman Flynn asked for opponents and there were none to testify. Members of the committee asked questions of those testifying.

Next heard was HB50, with Repr. Swanberg, as chief sponsor of the bill, introducing the bill to the committee. No other proponents nor opponents were present to testify.

Chairman Flynn next heard a presentation on HJR37, by sponsor Repr. Lien. Another proponent of the bill was Steve Coldiron of Just Us, Inc., urging passage of the bill. Sen. Lowe mentioned that he had studied the problem as a member of the sub-committee of the Legislative Council assigned to study health services in the state. Committee members asked several questions and noted the absence of the body toward which the resolution should be directed. Repr. Lien said he would see to the amendment.

Repr. Lee next introduced HB456 and read a proposed amendment to his bill. Chairman Flynn asked for other proponents or opponents to speak on the bill; there were none. Questions from the committee were in regard to present wiring regulations and how the proposed legislation would affect them.

Sen. Bennett was next called on to introduce his SR16, which was a simple endorsement of the foster grandparent program in the state. There were no opponents to give testimony.

Chairman Flynn next called for consideration of HJR18, a bill to make a study of the health services available across the state. Paul Carpir of the Comprehensive Health Planning, presented the bill for its chief sponsor, Repr. Towe. Other proponents included Virginia Kenyon, member of the Ad Hoc Committee which had done research into the problem; Frances Gasney of Augusta, chair person of the Montana State Low Income Group. Following their testimony, Repr. Towe spoke on the bill and introduced Steve Coldiron, also a proponent. Rod Gudgel of the Montana Nursing Home Association and David Depew, Comprehensive Health Planning, were also proponents.

Following their testimony, Chairman Flynn asked about the time allowed for such a study. Committee members questioned those testifying if the study could better correlate the work being done at the various health services across the state. They felt additional time should be taken to make a more complete study of the problems that presently exist and make recommendations. Also, they suggested including this in the bill, as well as an amendment so the bill would read that the study should be conducted by the Legislative Council <u>with the assistance of</u> the Depart-

Indians in the country. Other proponents were Steve Coldiron. Ther were no other proponents and no opponents present to testify.

Following the last of the testimony, committee members took up some of the bills for action. Senator Cochrane moved that HJR1 BE ADOPTEI His motion was seconded by Sen. Bollinger; motion carried.

Sen. Bollinger moved the committee ADOPT AMENDMENTS FOR HJR18. Sen. Zody seconded the motion which was unanimous. Sen. Bollinger moved HJR18 BE ADOPTED AS AMENDED. Sen. Zody seconded the motion and the motion was carried.

Sen. Cochrane moved the committee ADOPT THE AMENDMENTS ON HB456; his motion was seconded by Sen. Vainio and motion was carried. Sen. Bollinger moved HB456 BE CONCURRED IN AS AMENDED; motion was seconded by Sen. Vainio and motion carried.

Sen. Bollinger moved that HB140 BE CONCURRED IN. Sen. Cochrane secor ded the motion and motion carried.

Sen. Cochrane moved that SR16 BE ADOPTED. Sen. Vainio seconded the motion and motion was carried.

After additional discussion and further consideration, the members reconsidered HB44 which had been acted upon on March 2. The motion for a BE NOT CONCURRED IN was withdrawn and Sen. Vainio moved that HB44 BE HELD OVER UNTIL THE NEXT LEGISLATIVE SESSION. His motion was seconded by Sen. Bollinger and motion was carried. It was noted for the record that Sen. Cochrane cast a "Nay" vote.

Sen. Cochrane moved that HB50 BE CONCURRED IN. Sen. Bollinger seconded the motion and the motion was carried.

Sen. Bollinger moved that the AMENDMENTS TO HJR37 BE ADOPTED. His mc tion was seconded by Sen. Cochrane and motion was carried. Sen. Bollinger moved that HJR37 BE ADOPTED AS AMENDED. The motion was sec ded by Sen. Cochrane and motion carried.

Again HB169 was discussed but, still awaiting the action of the House on SB345, members withheld any action on the bill. Sen. Zody asked that the bill be held until another meeting.

Sen. Vainio moved the meeting adjourn, seconded by Sen. Breeden and motion carried.

Insert this paragraph Page 1
NOTE: Chairman Flynn first asked for consideration of HB140 and Repr. Brand, chief sponsor, was first proponent. Others were John Wilson, State Registrar of Vital Stat.; Tom Twichel, Montana Funeral Directors.

trical appliance, from selling, delivering and connecting any electrical appliance, if the connection of said appliance does not necessitate the installation of electrical wiring of the structure where said appliance is connected."

Approved: March 21, 1973.

CHAPTER NO. 424

An Act To Provide Procedures For Fire Drills In Schools; and Repealing Sections 75-8308 and 75-8309, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is a new section to be numbered 75-8308.1, R.C.M. 1947, which reads as follows:

75-8308.1. Fire exit drills shall be conducted regularly in accordance with the applicable provisions of the following sections.

Section 2. There shall be at least eight (8) fire exit drills a year in schools. In climates where the weather is severe during the winter months, weekly drills should be held at the beginning of the school term to complete the required number of drills before cold weather so as not to endanger the health of the pupils.

Section 3. Drills shall be executed at different hours of the day or evening; during the changing of classes; when the school is at assembly; during the recess or gymnastic periods, etc., so as to avoid distinction between drills and actual fires.

Section 4. All fire exit drill alarms shall be sounded on the fire alarm system and not on the signal system used to dismiss classes.

Section 5. Whenever any of the school authorities determine that an actual fire exists, they shall immediately call the local fire department using the public fire alarm system or such other facilities as are available.

Section 6. The recall signal shall be one that is separate and distinct from and cannot be mistaken for any other signals. Such signals may be given by distinctive colored flags or banners. If the recall signal is electrical, the push buttons or other controls shall be kept under lock, the key for which shall be in the possession of the principal or some other designated person in order to prevent a recall at a time when there is a fire. Regardless of the method of recall, the means of giving the signal shall be kept under a lock.

Section 7. It shall be the duty of the school authorities to inspect all exit facilities periodically in order to make sure that all stairways, doors and other exits are in proper condition and cooperate with local fire department authorities in conducting fire drills.

Section 8. Sections 75-8308 and 75-8309, R.C.M. 1947, are repealed.

Approved: March 21, 1973.

CHAPTER NO. 425

An Act Relating to the Electrical Safety Law; and Amending Section 66-2802, R.C.M. 1947, Relating to the Purpose of the Act to Establish the National Electrical Code as a Minimum Approved Safety Standard to Provide Procedures for Establishing Standards More Stringent Than the National Electrical Code.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 66-2802, R.C.M. 1947, is amended to read as follows:

"66-2802. **Purpose.** (1) The purpose of this act is to protect the health and safety of the people of Montana from the danger of electrically caused shocks, fires and explosions and to protect property from the hazard of electrically caused fires and explosions, and to establish a procedure for determining where and by whom electrical installations are to be made and to assure the public that persons making electrical installations are qualified, and that the electrical installations and electrical products made and sold within this state meet minimum safety standards. From and after the taking effect of this act, all installations in the state of Montana of wires and equipment to convey electric current and installations of apparatus to be operated by such current, except as hereinafter provided, shall be made substantially in accord with the National Electrical Code, as approved by the American standards association, relating to such work as far as the same covers both fire and personal injury hazards, and as the National Electrical Code shall be amended, revised, compiled and published from time to time and as such amendments or revisions are adopted by the board. *The standards as set forth in such National Electrical Code shall be prima facie evidence of minimum approved methods of construction for safety to life and property. The affirmative vote of a majority of all appointed members of the board of electricians shall be required*

to set any standards that are more stringent than those set forth in the National Electrical Code.

(2) Rules and standards relating to buildings and equipment covered by the state or a municipal building code are not effective until approved by the state building code council and filed with the secretary of state."

Approved: March 21, 1973.

CHAPTER NO. 426

An Act to Provide for a Three (3) Day Cooling-off Period on Door-to-Door Sales Contracts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The purpose of this act is to afford consumers, subjected to high pressure door-to-door sales tactics, a "cooling-off" period.

Section 2. As used in this act:

(1) "Consumer transaction" means a transaction where the money, property, or service which is the subject of the transaction is primarily for personal, family or household purposes.

(2) "Home solicitation sale" means a consumer transaction in which the purchase price is twenty-five dollars ($25) or more, and the seller or a person acting for him, is a person doing business who engages in a personal solicitation of a sale at a residence of the buyer and the buyer's agreement or offer to purchase is there given to the seller or a person acting for him. A sale which but for the fact that it is a cash sale would be a home solicitation sale shall be deemed a home solicitation sale if the seller makes or provides a loan to the buyer or obtains or assists in obtaining a loan for the buyer to pay any part of the purchase price. The term "home solicitation sale" does not include a transaction

(a) made pursuant to a preexisting revolving charge account, or pursuant to prior negotiations between the parties at a business establishment at a fixed location where goods or services are offered or exhibited for sale, or

(b) in which the buyer has a right of cancellation pursuant to federal law.

Section 3. (1) Except as provided in subsection (5), in addition to any right otherwise to revoke an offer, the buyer or any other person obligated for any part of the purchase price

may cancel a home solicitation sale until midnight of the third business day after the day on which the buyer has signed an agreement or offer to purchase relating to such sale.

(2) Cancellation occurs when written notice of cancellation is given to the seller.

(3) Notice of cancellation, if given by mail, shall be deemed given when deposited in a mailbox properly addressed and postage prepaid.

(4) Notice of cancellation need not take the form prescribed and shall be sufficient if it indicates the intention of the buyer not to be bound.

(5) A home solicitation sale may not be cancelled if in the case of goods, the goods cannot be returned to the seller in substantially the same condition as when received by the buyer.

Section 4. (1) The seller shall furnish the buyer a notice which shall contain the statement set forth in paragraph (a) and printed in capital and lower case letters of not less than twelve (12) point bold faced type with the seller's name and business address and the statement set forth in paragraph (b),

(a) YOU MAY CANCEL THIS SALE WITHIN THREE BUSINESS DAYS.

If you decide within three days that you want to cancel the sale, tear off and mail the bottom of this card. To cancel, the card must be mailed BY CERTIFIED MAIL within three days after you sign the contract.

(date)

(b) CONTRACT SIGNED

I hereby cancel this sale.

(Buyer's signature)

(2) Until the seller has complied with the this section the buyer or any other person obligated for any part of the purchase price may cancel the home solicitation sale by notifying the seller in any manner and by any means of his intention to cancel; provided, however, that failure to mail the cancellation by certified mail does not nullify the cancellation as long as the cancellation is mailed within the prescribed time period. The period prescribed by section 3 shall begin to run from the time the seller complies with this section.

Section 5. (1) Except as provided in this section, within ten (10) days after a home solicitation sale has been canceled or an offer to purchase revoked, the seller shall tender to the